

V E S T I N G I T Y C O U N C I L

# AGENDA



Thursday, December 07, 2006

+ Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 37**

---

**Subject:** C814-89-0006.03(RCA) - Canyon Ridge PUD Revision #3 Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 7300 F.M. 2222 Road, and 6500 and 6508 Jester Boulevard (West Bull Creek Watershed) Staff Recommendation: To approve the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: FM 2222/Jester, L.P. (Louis R. Williams) Agent: Neighborhood Planning and Zoning Department (Sherri Sirwaitis). City Staff: Sherri Sirwaitis, 974-3057.

**Additional Backup  
Material**

(click to open)

**Staff Report**

**For More Information:**

## RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

**CASE:** C814-89-0006 03 (RCA)

**Z.A.P. DATE:** October 3, 2006  
October 17, 2006  
November 7, 2006

**ADDRESS:** 7300 F M 2222 Road, 6500 and 6508 Jester Boulevard

**OWNER/APPLICANT:** FM 2222/Jester, L P (Louis R. Williams)

**AGENT:** City of Austin-Neighborhood Planning and Zoning Department (Sherril Sirwaitis)

**ZONING:** PUD

**AREA:** 56 950 acres

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends the proposed amendment to the public restrictive covenant associated with case C814-89-0006 03 to create a definition for fast food restaurants within the Canyon Ridge PUD.

### **ZONING AND PLATTING COMMISSION:**

10/03/06: Postponed to October 17, 2006 by the staff (7-0, J Pinnelli, K Jackson-absent),  
J. Martinez-1<sup>st</sup>, S. Hale-2<sup>nd</sup>

10/17/06: Postponed to November 7, 2006 by the staff (9-0); J Martinez-1<sup>st</sup>, J. Pinnelli-2<sup>nd</sup>

11/07/06: Approved staff recommendation for Restrictive Covenant Amendment by consent (9-0),  
J. Martinez-1<sup>st</sup>, S. Hale-2<sup>nd</sup>

### **DEPARTMENT COMMENTS:**

On July 27, 2006, the City Council passed the Canyon Ridge PUD Amendment #3 on 2<sup>nd</sup>/3<sup>rd</sup> readings with the following conditions *"Approved PUD district zoning with conditions and deletion of fast food restaurant prohibition in the public restrictive covenant (6-0, M Martinez-off dias), McCracken-1<sup>st</sup>, Leffingwell-2<sup>nd</sup>."* As part of this motion, the City Council stipulated that the owner, the neighborhood and the city staff continue to work together on a future amendment to the public restrictive covenant to define Fast Food Restaurant. Therefore, the staff has been directed to initiate a restrictive covenant amendment for this case to create an acceptable definition of Fast Food Restaurant to bring back before the City Council for approval

The staff met with the original agents for case C814-89-0006 03 and with members of the neighborhood on September 8, 2006 and again on October 18, 2006. The parties involved agreed on the following definition to include in the public restrictive covenant.

**"No food service establishment shall be permitted on the Property which offers drive-in or drive through window service, or is affiliated with a chain of food service establishments which typically offer drive-in or drive through window service. There can be no more than three food service establishments located on the Property, with a total maximum**

square footage of 6,500 square feet, which do not offer table service and do not serve beer and/or wine beverages.

Table service is defined to mean:

- Full table service, meaning that wait staff takes orders at the dining tables and delivers those orders to patrons at the tables and food is presented to patrons in non-disposable containers, or
- Partial table service, meaning that orders are placed at the counter and those orders are delivered by the wait staff to patrons at the dining tables and food is presented to patrons in non-disposable containers, or
- Cafeteria service, meaning that patrons make food selections from food serving facilities along the serving line where selected items are served to patrons immediately in non-disposable containers.

A food service establishment offering table service may provide take-out orders in disposable containers, provided that the take-out business is an ancillary activity.”

The staff would like to state that we could not come up with an acceptable definition of fast food restaurants overall, but that the parties involved were able to arrive at a description of uses that were mutually acceptable for this case. Therefore, the staff proposes that the above language be added to the public restrictive covenant for the Canyon Ridge PUD Amendment #3. The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	PUD	Undeveloped
<i>North</i>	PUD, SF-2	Undeveloped Area, Single-Family Residences
<i>South</i>	County	Undeveloped Tracts
<i>East</i>	SF-2, SF-1, LR, GR-CO	Single-Family Residences, Retail Center (with Restaurants, Commercial Sales, and Office uses)
<i>West</i>	NO, County	Single Family Residences, Undeveloped Tracts

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** West Bull Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** Yes

**NEIGHBORHOOD ORGANIZATIONS:**

98 – Lakewood Homeowners Association  
157 – Courtyard Homeowners Association  
184 – Bull Creek Homeowners Association

475 – Bull Creek Foundation  
 426 – River Place Residential Community Association, Inc  
 434 – Lake Austin Business Owners  
 439 – Concerned Citizens for P & B of FM 2222  
 448 – Canyon Creek Homeowners Association  
 608 – Jester Homeowners Association, Inc  
 742 – Austin Independent School District  
 965 – Old Spicewood Springs Road Neighborhood Association

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0128	SF-2 to LO	10/14/03: Approved LO-CO with 'NO' development regulations, 2,000 vtpd limit, 35 foot building setback from south property line where it abuts a residential property, 6 foot high fence along south property line, 28 feet maximum height for structures (limit of 1-story) , prohibit Art and Craft Studio (Limited), Communications Services, Convalescent Services, and Cultural Services uses	11/20/03. Approved ZAP rec of LO-CO (6-0); all 3 readings  6/24/04. Approved Amending Ordinance 031120-Z17 to correct zoning conditions
C14-99-0133	LR to GR	9/14/99. Approved staff rec of GR-CO; prohibiting Auto Rentals, Auto Sales, Auto Washing, Business or Trade School, Business Support Services, Commercial-Off Street Parking, Communications Services, Community Recreation (Private), Community Recreation (Public), Congregate Living, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (General), Hotel-Motel, Hospital Services (Limited & General), Indoor Entertainment, Indoor Sports and Recreation, Medical Offices-greater than 5,000 sq. ft., Outdoor Entertainment, Outdoor Sports and Recreation, Personal	Approved PC rec of GR-CO (5-0, WL/ JG-absent), all 3 readings

		Improvement Services, Pawn Shop Services, Residential Treatment, Research Services, Restaurant (Drive-In, Fast Food), Theater, by consent (9-0)	
C14-99-0076	Tract 1B: DR to MF-2, Tract 1C SF-2 to GR, Tract 1D SF-2 to GO	8/31/99 Approved Tract 1B MF-1-CO w/ SF-6 site development regulations and 40 foot height limit, Tract 1C & 1D Staff rec of GR-MU-CO and reduce vehicle trips set out in TIA by 12.5%	12/2/99. Approved w/conditions Tract 1B MF-1, Tract 1C LR-CO; Tract 1D. LO-CO (6-0, WL-absent)
C14-98-0161	Tract 1A: DR to SF-2	8/31/99 Approved SF-2-CO for Tract 1A (8-0)	12/2/99: Approved SF-2-CO subject to neighborhood proposal, ingress/egress to need to be clarified as there is no ingress from Winterberry Drive as mentioned in prior version of proposal (6-0); 1 <sup>st</sup> reading  1/13/00. Approved SF-2-CO as granted on 1 <sup>st</sup> reading (7-0), 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-97-0162	Tract 1: LR to CS Tract 2: LR to GR Tract 3: LR to GR	1/13/98: Approved staff alternate rec. of GR w/conditions (9-0) Permit Restaurant (General) use and LR uses, permit Dry Cleaning and LR uses on Tract 1, prohibit Auto Rentals, Auto Sales, Auto Washing, Business or Trade School, Business Support Services, Commercial-Off Street Parking, Communications Services, Community Recreation (Public & Private), Congregate Living, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (General), Hotel-Motel, Hospital Services (Limited & General), Indoor Entertainment, Indoor Sports and Recreation, Medical Offices-greater than 5,000 sq ft , Outdoor Entertainment, Outdoor Sports and	2/5/98 Approved PC rec. of GR-CO (5-0), 1 <sup>st</sup> reading only  2/26/98 Approved GR-CO (7-0), 2 <sup>nd</sup> /3 <sup>rd</sup> readings

		Recreation, Personal Improvement Services, Pawn Shop Services, Research Services, Restaurant (Drive-In, Fast Food), Restaurant (General)- Tract 1 only, Residential Treatment, and Theater	
C14-95-0135	DR to SF-1	10/24/95: Approved staff rec. of SF-1 (7-1)	11/30/95: Approved SF-1 (6-0), all 3 readings
C814-89-0006	LR, SF-2 to PUD	5/28/91. Forwarded to CC with no recommendation	6/6/91: Approved PUD subject to conditions (5-1), 1 <sup>st</sup> reading 11/14/91: Approved PUD (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C814-89-0006.01	PUD to PUD (Amendment for office for Tracts 2, 3, and 4 – Applicant requested a variance to LDC Sec 25-2-1124 to exceed 28 feet in height in HCR)	1/23/01 Postponed to 1/30/01 by the applicant (8-0)	1/30/01 Pulled, No Action – Case Expired
C814-89-0006 02	PUD to PUD	10/7/03 Administrative amendment approved by staff	
C814-89-0006 03	PUD to PUD	3/21/06 Approved staff's recommendation, including Environmental Board conditions, with added restriction that only one drive-through service related to a restaurant is permitted on the site (6-2, S Hale, C Hammond-nay; J Martinez-absent), K Jackson-1 <sup>st</sup> ; J Pinnelli-2 <sup>nd</sup>	5/18/06: Approved Zoning and Platting Commission's recommendation for PUD amendment with additional conditions the applicant shall provide sidewalks to Jester Boulevard, no drive through services associated with restaurant uses, create a definition for fast food restaurants for the Council to consider in a restrictive covenant at 2 <sup>nd</sup> /3 <sup>rd</sup> readings, direct staff to pursue a pedestrian linkage along the BCP land at F.M 2222 to provide a connection between the residential lots (1, 6, 7, and 8) and the proposed office/retail

			<p>lots (2, 3, and 4) within the PUD, require 12-foot sidewalks along the main street driveway portion of the development in Lots 2, 3, and 4 of the PUD, the increased amount of impervious cover as it refers to sidewalks impervious cover as it refers to sidewalks impervious cover calculations for the PUD, subject development on Lots 2, 3, and 4 to block length design standards, and limit structures on Lots 2, 3 and 4 of the PUD to two stories (6-0, J. Kim-off the dias); B McCracken-1<sup>st</sup>, B Dunkerley-2<sup>nd</sup>.</p> <p>7/27/06: Approved PUD district zoning with conditions and deletion of fast food restaurant prohibition in the public restrictive covenant (6-0, M Martinez-off dias), McCracken-1<sup>st</sup>, Leffingwell-2<sup>nd</sup>.</p>
--	--	--	---

**RELATED CASES:** C814-89-0006 03

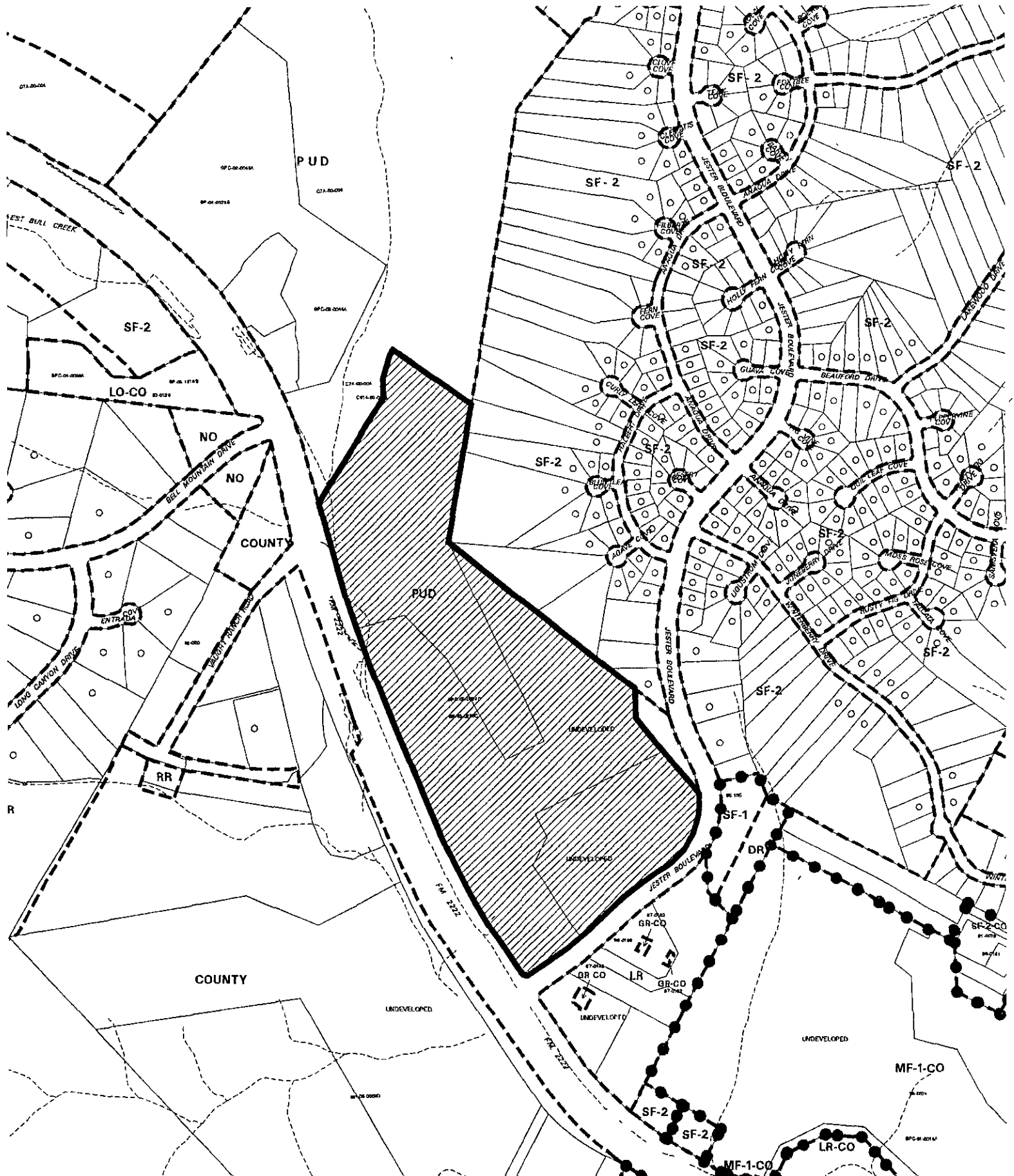
**ABUTTING STREETS:**


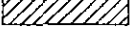


NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE ROUTE
RM 2222	Varies	Varies	Arterial	No	No	Yes
Jester Boulevard	110'	Varies	Collector	No	No	Yes

**CITY COUNCIL DATE:** December 7, 2006    **ACTION:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@c1.austin.tx.us](mailto:sherri.sirwaitis@c1.austin.tx.us)



 1" = 600'	SUBJECT TRACT		<b>RESTRICTIVE COVENANT AMENDMENT</b> <b>CASE #: C814-89-0006.03(RCA)</b> <b>ADDRESS JESTER BLVD</b> <b>SUBJECT AREA (acres). 56.950</b>	<b>DATE 06-08</b> <b>INTLS. SM</b>	<b>CITY GRID REFERENCE NUMBER</b> <b>F31</b>
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR S. SIRWAITIS				





Zoning Case No. C814-89-006.03

**RESTRICTIVE COVENANT**

OWNER: FM 2222/Jester, L.P., a Texas limited partnership

ADDRESS: 11200 FM 2222, Austin, Texas 78730

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lots 2, 3, and 4, Block A, Canyon Ridge Phase B Subdivision, a subdivision in the City of Austin, Travis County, according to the map or plat of record in Plat Book 93, Page 5, of the Plat Records of Travis County, Texas.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
2. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
3. All required shade trees shall be a minimum 4-inch caliper.
4. A 12-foot wide sidewalk with six-inch caliper trees planted every 30 feet on center and lighting provided at intervals of 50 feet are required along the main internal east/west drive.

5. The owner shall provide a rainwater collection and irrigation system from rooftop areas of at least one building for irrigation of managed landscaped areas. The rainwater collection system shall provide an overall volume of a minimum of 9,000 gallons of storage. The rainwater collection system shall be maintained at least once a year to remove organic debris and to ensure that the system is functioning as designed.
6. A minimum of 40 percent of the material for internal sidewalk construction shall be pervious pavers or similar material as approved by the Watershed Protection and Development Review Department or its successors.
7. The wall of a water quality pond shall be constructed using design elements or features such as stone veneer, colored concrete, and raised flowerbeds to reduce the visual impact of the height of the wall as viewed from FM 2222.
8. Screening shall exceed by 50 percent the screening requirements for the Hill Country Roadway corridor as set forth in the City Code.
9. Unless exempted below, the site shall be divided into blocks no longer than 660 feet by 660 feet from curb to curb. The maximum block length applies both to blocks containing buildings and blocks containing surface parking. This standard shall not require the block front adjacent to a Hill Country Roadway to be divided in a manner inconsistent with state highway access spacing requirements.
10. An individual knowledgeable in erosion controls and tree protection to conduct daily inspections of the site during site development shall be required on site (the "Environmental Reviewer"). The Environmental Reviewer shall be chosen by the Owner in its sole discretion. This person will be responsible for maintaining a daily log to be kept on site and accessible to the City environmental inspector.
11. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
12. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
13. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

14. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 27 day of July, 2006.

**OWNERS:**

**Fm 2222/Jester, L.P.,  
a Texas limited partnership**

By: Pecan Center, Inc.,  
a Texas corporation,  
its general partner

By: Louis R. Williams  
Louis R. Williams,  
Title: President

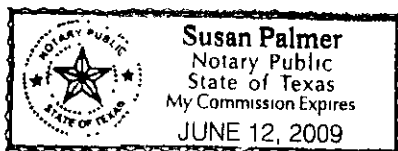
**APPROVED AS TO FORM:**

[Signature]  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the 27<sup>th</sup> day of July, 2006 by Louis R. Williams, President of Pecan Center, Inc., a Texas corporation, general partner of FM 2222/Jester, L.P., a Texas limited partnership, on behalf of the corporation and the limited partnership.



Susan Palmer  
Notary Public, State of Texas

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Paralegal**

# EXHIBIT A

## Grow Green Native and Adapted Landscape Plants

### Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> ( <i>Quercus buckleyi</i> )
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

### Small Trees/Large Shrubs

Anacacho Orchit Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Caolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis</i> 'mexicana'
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. 'texensis'
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

## Shrubs

Abelia, Glossy <i>Abelia grandiflora</i>	Nandina <i>Nandina domestica</i> 'Compacta nana' 'Gulf Stream'
Agarita <i>Berberis trifoliata</i>	Oleander <i>Nerium oleander</i>
Agave (Century Plant) <i>Agave sp.</i>	Palmetto <i>Sabal minor</i>
American Beautyberry <i>Callicarpa americana</i>	Prickly Pear <i>Opuntia engelmannii</i> var. <i>lindheimeri</i>
Artemisia <i>Artemisia</i> 'Powis Castle'	Rose, Belinda's Dream <i>Rosa</i> 'Belinda's Dream'
Barbados Cherry <i>Malpighia glabra</i>	Rose, Lamarne <i>Rosa</i> 'Lamarne'
Barberry, Japanese <i>Berberis thunbergii</i>	Rose, Livin' Easy <i>Rosa</i> 'Livin' Easy'
'Atropurpurea'	Rose, Marie Pavie <i>Rosa</i> 'Marie Pavie'
Basket Grass (Sacahuista) <i>Nolina texana</i>	Rose, Martha Gonzales <i>Rosa</i> 'Martha Gonzales'
Black Dalea <i>Dalea frutescens</i>	Rose, Mutabilis <i>Rosa</i> 'Mutabilis'
Bush Germander <i>Teucrium fruticans</i>	Rose, Nearly Wild <i>Rosa</i> 'Nearly Wild'
Butterfly Bush <i>Buddleja davidii</i>	Rose, Old Blush <i>Rosa</i> 'Old Blush'
Butterfly Bush, Woolly <i>Buddleja marrubiiifolia</i>	Rose, Perle d'or <i>Rosa</i> 'Perle d'or'
Coralberry <i>Symphoricarpos orbiculatus</i>	Rock Rose <i>Pavonia lasiopetala</i>
Cotoneaster <i>Cotoneaster sp.</i>	Rosemary <i>Rosmarinus officinalis</i>
Eleagnus <i>Eleagnus pungens</i>	Sage, Mountain <i>Salvia regia</i>
Esperanza/Yellow Bells <i>Tecoma stans</i>	Sage, Texas (Cenizo) <i>Leucophyllum frutescens</i>
Flame Acanthus <i>Anisacanthus quadrifidus</i> var. <i>wrightii</i>	Senna, Lindheimer <i>Cassia lindheimeriana</i>
Fragrant Mimosa <i>Mimosa borealis</i>	Southern Wax Myrtle <i>Myrica cerifera</i>
Holly, Burford <i>Ilex cornuta</i> 'Burfordii'	Sumac, Evergreen <i>Rhus virens</i>
Holly, Dwarf Chinese <i>Ilex cornuta</i> 'Rotunda nana'	Sumac, Fragrant (Aromatic) <i>Rhus aromatica</i>
Holly, Dwarf Yaupon <i>Ilex vomitoria</i> 'Nana'	Texas Sotol <i>Dasylirion texanum</i>
Jasmine, Primrose <i>Jasminum mesnyi</i>	Turk's Cap <i>Malvaviscus arboreus</i>
Kidneywood <i>Eysenhardtia texana</i>	Yucca, Paleleaf <i>Yucca pallida</i>
Lantana, Native <i>Lantana horrida</i>	Yucca, Red <i>Hesperaloe parviflora</i>
Mistflower, Blue (Blue Boneset) <i>Eupatorium coelestinum</i>	Yucca, softleaf <i>Yucca recurvifolia</i>
Mistflower, White (Shrubby White Boneset) <i>Ageratina havanense</i>	Yucca, Twistleaf <i>Yucca rupicola</i>
Mock Orange <i>Philadelphus coronarius</i>	

## Perennials

Black-eyed Susan <i>Rudbeckia hirta</i>	Lantana, Trailing <i>Lantana montevidensis</i>
Bulbine <i>B. frutescens</i> or <i>caulescens</i>	Marigold, Mexican Mint <i>Tagetes lucida</i>
Bush Morning Glory <i>Ipomoea fistulosa</i>	Obedient Plant, Fall <i>Physostegia virginiana</i>
Butterfly Weed <i>Asclepias tuberosa</i>	Oregano, Mexican <i>Poliomintha longiflora</i>
Butterfly Weed 'Mexican' <i>Asclepias curassivica</i>	Penstemon <i>Penstemon</i> sp.
Cast Iron Plant <i>Aspidistra elatior</i>	Phlox, Fragrant <i>Phlox pilosa</i>
Chile Pequin <i>Capsicum annuum</i>	Pink Skullcap <i>Scutellaria suffrutescens</i>
Cigar Plant <i>Cuphea micropetala</i>	Plumbago <i>Plumbago auriculata</i>
Columbine, Red <i>Aquilegia canadensis</i>	Poinciana, Red Bird of Paradise, Pride of Barbados
Columbine, Yellow <i>Aquilegia chrysantha</i> 'Texas Gold'	<i>Caesalpinia pulcherrima</i>
Coreopsis <i>Coreopsis lanceolata</i>	Primrose, Missouri <i>Oenothera macrocarpa</i>
Daisy, Blackfoot <i>Melampodium leucanthum</i>	Purple Coneflower <i>Echinacea purpurea</i>
Daisy, Copper Canyon <i>Tagetes lemmonii</i>	Ruellia <i>Ruellia brittoniana</i>
Damiantia <i>Crysactina mexicana</i>	Sage, Cedar <i>Salvia roemeriana</i>
Fall Aster <i>Aster oblongifolius</i>	Sage, Jerusalem <i>Phlomis fruticosa</i>
Fern, River <i>Thelypteris kunthii</i>	Sage, Majestic <i>Salvia guaranitica</i>
Firebush <i>Hamelia patens</i>	Sage, Mealy Blue <i>Salvia farinacea</i>
Gaura <i>Gaura lindeheimeri</i>	Sage, Mexican Bush <i>Salvia leucantha</i>
Gayfeather <i>Liatris mucronata</i>	Sage, Penstemon, Big Red Sage <i>Salvia penstemonoides</i>
Gregg Dalea <i>Dalea greggii</i>	Sage, Russian <i>Perovskia atricaphylla</i>
Hibiscus, Perennial <i>Hibiscus moscheutos</i> , <i>Hibiscus coccineus</i>	Sage, Scarlet or 'Tropical' <i>Salvia coccinea</i>
Honeysuckle, Mexican <i>Justicia spicigera</i>	Salvia, Gregg (Cherry Sage) <i>Salvia greggii</i>
Hymenoxys (Four Nerve Daisy) <i>Tetranneuris scaposa</i>	Shrimp Plant <i>Justicia brandegeana</i>
Indigo Spires <i>Salvia 'Indigo Spires'</i>	Texas Betony <i>Stachys coccinea</i>
Iris, Bearded <i>Iris albicans</i>	Verbena, Prairie <i>Verbena bipinnatifida</i>
Iris, Butterfly/Bicolor (African) <i>Dietes</i> sp.	Yarrow <i>Achillea millefolium</i>
Lamb's Ear <i>Stachys byzantina</i>	Zexmenia <i>Wedelia texana</i>
Lantana <i>Lantana x hybrida</i> (many varieties)	



## Ornamental Grasses

Bluestem, Big *Andropogon gerardii*  
 Bluestem, Bushy *Andropogon glomeratus*  
 Bluestem, Little *Schizachyrium scoparium*  
 Fountain Grass, Dwarf *Pennisetum alopecuroides*  
 Indian Grass *Sorghastrum nutans*  
 Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*  
 Muhly, Bamboo *Muhlenbergia dumosa*  
 Muhly, Big *Muhlenbergia lindheimeri*  
 Muhly, Deer *Muhlenbergia rigens*  
 Muhly, Gulf *Muhlenbergia capillaris*  
 Muhly, Seep *Muhlenbergia reverchonii*  
 Sideoats Grama *Bouteloua curtipendula*  
 Wild Rye *Elymus canadensis*

## Vines

Asian Jasmine *Trachelospermum asiaticum*  
 Carolina Jessamine *Gelsemium sempervirens*  
 Coral Vine *Antigonon leptopus*  
 Crossvine *Bignonia capreolata*  
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*  
 Lady Banksia Rose *Rosa banksiae*  
 Passion Vine *Passiflora incarnata*  
 Trumpet Vine *Campsis radicans*  
 Virginia Creeper *Parthenocissus quinquefolia*

## Groundcover

Aztec Grass *Ophiopogon japonicus*  
 Frogfruit *Phyla incisa*  
 Horseherb *Calyptocarpus vialis*  
 Leadwort Plumbago *Ceratostigma plumbaginoides*  
 Liriope *Liriope muscari*  
 Monkey Grass (Mondo Grass) *Ophiopogon japonicus*  
 Oregano *Origanum vulgare*  
 Periwinkle, Littleleaf *Vinca minor*  
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*  
 Santolina (Lavender Cotton) *Santolina chamaecyparissus*  
 Sedge, Berkeley *Carex tumulicola*  
 Sedge, Meadow *Carex perdentata*  
 Sedge, Texas *Carex texensis*  
 Sedum (Stonedrop) *Sedum nuttallianum*  
 Silver Ponyfoot *Dichondra argentea*  
 Woolly Stemodia *Stemodia lanata*  
 (*Stemodia tomentosa*)

## Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'  
 Buffalo '609', 'Stampede', 'Prairie'  
 St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'  
 Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

## EXHIBIT B

### Invasive Species/Problem Plants

#### PLANTS TO AVOID

##### **INVASIVES**

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

##### **Do Not Plant**

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

##### **Do Not Plant Near**

##### **Parks/Preserves/Greenbelts**

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

##### **PROBLEM TREES AND SHRUBS**

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

#### FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2006 Jul 28 08:30 AM 2006143643

FERGUSONLL \$52.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS